

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERGON, INC. and ERGON ASPHALT &
EMULSIONS, INC.,

Plaintiffs,

- against -

NYMAGIC, INC., NEW YORK MARINE
AND GENERAL INSURANCE COMPANY,
MUTUAL MARINE OFFICE, INC. and
MUTUAL MARINE OFFICE OF THE
MIDWEST, INC.,

Defendants.

No. 1:11-cv-01080-LTS

**NOTICE OF VOLUNTARY DISMISSAL OF
DEFENDANT NYMAGIC, INC.**

Plaintiffs, by their undersigned attorneys, hereby give notice in accordance with Federal Rule of Civil Procedure 41(a)(1), of the voluntary dismissal without prejudice of all claims asserted in the complaint filed herein as against Defendant NYMAGIC, INC. without order of the court. With respect thereto, Plaintiffs state that no answer or motion for summary judgment has been received by counsel for the Plaintiffs.

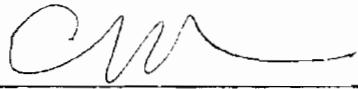
There has been no prior dismissal in any court of the United States or of any state

of an action based on or including the same claim as presented by the Plaintiffs in its complaint herein.

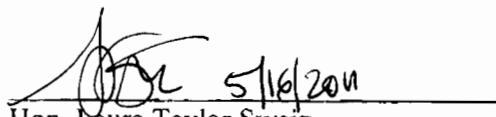
Dated: May 13, 2011

ANDERSON KILL & OCLICK P.C.

By:


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Attorneys for Plaintiffs Ergon, Inc. & Ergon Asphalt & Emulsions, Inc.

So ordered:


Hon. Laura Taylor Swain

